



***CITY OF MIAMI SPRINGS, FLORIDA***

**CITY CLERK'S SUMMARY OF COUNCIL ACTIONS**  
**Regular Meeting of Monday, December 13, 2010 - 7:00 p.m. – Council Chambers**

**AGENDA**

<b><u>ITEM #</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION TAKEN</u></b>
1.	<b>Call to Order/Roll Call</b>	All present. The meeting was called to order at 7:02 p.m.
2.	<b>Invocation</b>	Offered by Councilman Best.
	<b>Salute to the Flag</b>	The audience participated.
3.	<b>Awards &amp; Presentations</b>	
3A)	Certificate of Sincere Appreciation	Mayor Bain presented a Certificate of Sincere Appreciation to Deloris Walker in recognition of 27 years of dedicated service to the City (Presented at 7:24 p.m. after Open Forum)
3B)	Proclamation	Mayor Bain proclaimed December 13, 2010 to be "Robert 'Bob' Calvert Day" in Miami Springs.
3C)	Certificate of Sincere Appreciation	Lisa Martinez was not present and the presentation will be rescheduled.
3D)	Sergeant Danny Kelly	Chief of Police Peter G. Baan introduced Danny Kelly who was recently promoted to the rank of Sergeant.

**4. Open Forum:**

Roof Ordinance

Todd Stiff of 1255 Dove Avenue stated that his first opinion about the proposed ordinance to allow shingle roofs was favorable in light of the difficult economic times. After thinking about the provision for the two-year sunset period, he would not want people to take advantage of this window that could lower the standards that have been set for the City. He urged Council to consider the far reaching implications of their actions.

City Personnel

Ernie Aloma of 258 Pinecrest Drive stated that his interaction with the City personnel had been very positive, especially with the Building and Recreation Department Staff who have been very helpful.

Duck Eradication

Bob Schwinger of 630 Cardinal Street said that there should be a duck eradication or containment program in the City. The area between Plover and Cardinal Street has been overtaken by ducks that are quickly multiplying; they are dirty and contribute to the erosion of the canal banks.

“Adopt a Park” Program

Bob Schwinger of Schwinger Realty, 8 Canal Street, suggested that the City should have an “Adopt a Park” program to help the City keep the parks nice and provide new amenities. He would like to adopt George Washington Park on Westward Drive in front of the Library.

Agenda Item 10K

Bob Schwinger said that the City just hired a consulting firm to help with Downtown, Westward Drive and the Circle area, as well as N. W. 36<sup>th</sup> Street. He would not want future changes to Westward Drive to have to be voted upon by the electors because Council was elected to make decisions that are in the best interest of the City.

- 5. Approval of Council Minutes** *(Simultaneously approved)*
- 5A) 11/22/2010 Regular Meeting Minutes of the November 22, 2010 Regular Meeting were **approved as written**.  
**Motion:** Councilman Best  
**Second:** Councilman Lob  
**Vote:** 5-0
- 5B) 11/30/2010 Special Meeting Minutes of the November 30, 2010 Special Meeting were **approved as written**.  
**Motion:** Councilman Best  
**Second:** Councilman Lob  
**Vote:** 5-0
- 6. Reports from Boards & Commissions**
- 6A) General Employees Retirement System Minutes of the November 4, 2010 General Employees Retirement System meeting were received for information without comment.
- 6B) Police and Firefighters Retirement System Minutes of the November 4, 2010 Police and Firefighters Retirement System meeting were received for information without comment.
- 6C) Education Advisory Board Minutes of the November 16, 2010 Education Advisory Board meeting were received for information without comment.
- 6D) Historic Preservation Board Minutes of the November 18, 2010 Historic Preservation Board meeting were received for information without comment.
- 6E) Ecology Board Cancellation Notice of the November 23, 2010 Ecology Board meeting was received for information without comment.
- 6F) Code Review Board Cancellation Notice of the November 25, 2010 Code Review Board meeting was received for information without comment.
- 6G) Architectural Review Board Minutes of the December 1, 2010 Architectural Review Board meeting were received for information without comment.

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| 6H) | Code Enforcement Board      | Cancellation Notice of the December 7, 2010 Code Enforcement Board meeting was received for information without comment.  |
| 6I) | Board of Parks and Parkways | Minutes of the meeting were received for information without comment.   |
| 6J) | Historic Preservation Board | Cancellation Notice of the December 16, 2010 Historic Preservation Board meeting was received for information without comment.  |
| 6K) | Code Review Board           | Cancellation Notice of the December 23, 2010 Code Review Board meeting was received for information without comment.  |
| 6L) | Zoning and Planning Board   | Cancellation Notice of the December 6, 2010 Zoning and Planning Board meeting was received for information without comment.   |
| 6M) | Recreation Commission       | Cancellation Notice of the December 14, 2010 Recreation Commission meeting was received for information without comment.  |
| 6N) | Board of Adjustment         | <p>Council <b>approved</b> the actions taken by the Board of Adjustment at their meeting of December 6, 2010, subject to the ten-day appeal period.</p> <p><b>Motion:</b> Councilman Espino</p> <p><b>Second:</b> Councilman Best</p> <p><b>Vote:</b> 5-0</p> |

City Attorney Jan K. Seiden pointed out that the Historic Preservation Board is not going in the direction suggested by Council as they talked about changing the memorandum that he wrote, which should be Council's decision. He suggested that this could be considered as an agenda item for a future Council meeting.

City Attorney Seiden said that Board member Shonberger is proposing a letter to the property owner, which may or may not be acceptable to Council.

**Mayor Bain asked the Administration to schedule an agenda item for the January 10, 2010 Regular Meeting.**

**7. Public Hearings:**

- 7A) Ordinance No. 1001-2010 On second reading, Council **adopted** an ordinance amending Section 54-06, Tree Removal Standards, by limiting the exemptions provided by that Section to mango and avocado trees.  
**Motion:** Vice Mayor Ator  
**Second:** Councilman Lob  
**Vote:** 5-0
- 7B) Ordinance No.1003 -2010 On second reading, Council **adopted** an ordinance amending Section 151-04, Application for Building Permits, by updating and clarifying the provisions thereof in accordance with the provisions of the 2007 Florida Building Code.  
**Motion:** Councilman Best  
**Second:** Vice Mayor Ator  
**Vice Mayor Ator:** “aye”  
**Councilman Best:** “aye”  
**Councilman Espino:** “aye”  
**Councilman Lob:** “aye”  
**Mayor Bain:** “no”  
**Vote:** 4-1
- 7C) Ordinance No. 1004-2010 On second reading, Council **adopted** an ordinance amending Section 34-15, Holidays and Compensatory Leave, by revising, clarifying and expanding the provisions related to “Floating Holidays”.  
**Motion:** Councilman Best  
**Second:** Councilman Lob  
**Vote:** 5-0
- 7D) Ordinance No. 1006-2010 On second reading, Council **adopted** an ordinance repealing Code of Ordinance Section 34-21, Retirement, and reserving the section for future retirement related legislation.  
**Motion:** Councilman Lob  
**Second:** Vice Mayor Ator  
**Vote:** 5-0

- 8. Consent Agenda: (All items simultaneously approved)**
- 8A) City Attorney's Invoice Council **approved** payment of the City Attorney's invoice for November 2010 in the amount of \$11,886.75.  
**Motion:** Vice Mayor Ator  
**Second:** Councilman Espino  
**Vote:** 5-0
- 8B) Street Paving for Bus Bay Council **approved** an expenditure of \$18,114.70 to Miguel Lopez, Jr. Inc., utilizing Cooper City Bid # 2010-5, Pursuant to Section 31.11 (E) (5) of the City Code for the paving of Nahkoda Drive from North Royal Poinciana Boulevard to Canal Street for bus bay installation, utilizing CITT funds.  
**Motion:** Vice Mayor Ator  
**Second:** Councilman Espino  
**Vote:** 5-0
- 8C) Labor Services: Greens Grade Council **awarded** a bid for labor services to Greens Grade Services, utilizing City of Coral Gables IFB # 2007.10.22, in the amount not to exceed \$340,000, pursuant to Section 31.11 (E) (5) of the City Code.  
**Motion:** Vice Mayor Ator  
**Second:** Councilman Espino  
**Vote:** 5-0
- 9. Old Business:**
- 9A) Appointments to Advisory Boards Mayor Bain confirmed the **re-appointment** of Jorge Santín to the Recreation Commission for an unexpired term ending on April 30, 2013.  
  
Councilman Lob (Group III) **re-appointed** Juan A. Calvo to the Architectural Review Board for a full 2-year term ending on October 31, 2012.

- 9B) Appointments to the Revitalization and Redevelopment Ad-Hoc Committee The following appointments were **made**:
- Councilman Lob: Laz Martínez.  
Vice Mayor Ator: Todd Stiff.  
Mayor Bain: Wade Smith.
- 9C) January 1, 2011 Event Council **approved** the proposal presented by Lily Saborit-Abello for the January 1<sup>st</sup> event at a cost of \$8,300, which includes \$800 for police services.  
**Motion:** Councilman Best  
**Second:** Vice Mayor Ator  
**Vote:** 5-0
- 9D) Ordinances Amending Section 150-010:
- 9D1) Ordinance No. 1002-2010 On second first reading Council **approved** an ordinance amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, by permitting the use of Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles for new roofs and re-roofs for a two-year sunset period.  
**Motion:** Councilman Best  
**Second:** Councilman Lob  
**Vice Mayor Ator:** “no”  
**Councilman Best:** “aye”  
**Councilman Espino:** “no”  
**Councilman Lob:** “aye”  
**Mayor Bain:** “aye”  
**Vote:** 3-2

*Council voted on Agenda Item 9D1 at 7:59 p.m. after voting on 9D2.*

*Council voted on Agenda Item 9D2 at 7:57 p.m.*

- 9D2) Ordinance No. 1008-2011  
(First Reading)
- A motion to approve an ordinance amending Section 150-010, Roof Materials, Requirements, and Re-Roofs, by permitting the use of Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles for new roofs and re-roofs for a two-year sunset period, and providing a reverter provision in the event the use of asphalt shingles is allowed to sunset **failed**.  
**Motion:** Vice Mayor Ator  
**Second:** Councilman Espino  
**Vice Mayor Ator:** “aye”  
**Councilman Best:** “no”  
**Councilman Espino:** “aye”  
**Councilman Lob:** “no”  
**Mayor Bain:** “no”  
**Vote:** 2-3
- 9E) Ordinance No. 1005-2010
- On second first reading, Council **approved** an ordinance amending Code of Ordinance Section 34-19, Employee Compensation and Benefits, by adding provisions governing the granting, accumulation and use of compensation (“Comp”) time by eligible and entitled employees.  
**Motion:** Councilman Lob  
**Second:** Councilman Best  
**Vice Mayor Ator:** “no”  
**Councilman Best:** “aye”  
**Councilman Espino:** “aye”  
**Councilman Lob:** “aye”  
**Mayor Bain:** “aye”  
**Vote:** 4-1
- 10. New Business:**
- 10A) Curtiss Mansion, Inc.
- 10A1) \$1MM GOB Grant Funding      Item **pulled** by the Administration.
- 10A2) Facility Agreement:  
Experience Aviation, Inc.      Item **pulled** by the Administration.

- 10B) Ordinance No. 1009-2011
- On first reading, Council **approved** an ordinance creating and codifying Section 70-02 – Red Light Camera Enforcement; by electing to locally implement Florida Statute Section 316.008 (7) (A); and authorizing the implementation of Law of Florida 2010-80.  
**Motion:** Councilman Lob  
**Second:** Vice Mayor Ator  
**Vice Mayor Ator:** “aye”  
**Councilman Best:** “aye”  
**Councilman Espino:** “aye”  
**Councilman Lob:** “aye”  
**Mayor Bain:** “no”  
**Vote:** 4-1
- 10C) Resolution No. 2010-3500
- Council **adopted** a resolution amending the Schedule of Charges and Fees for the operation of the Miami Springs Golf and Country Club.  
**Motion:** Councilman Espino  
**Second:** Councilman Best  
**Vote:** 5-0
- 10D) Recommendations from the Education Advisory Board
- Council agreed to **reschedule** items 1 and 2 regarding the Miami Springs Civics Week and the Youth Advisory Council.
- Regarding item 3, Council **directed** the Administration to proceed with the proposed paving to alleviate the water accumulation at Springview, with CITT funds.  
**Motion:** Councilman Best  
**Second:** Councilman Lob  
**Vote:** 5-0

- 10E) Miami-Dade County League of Cities: 57<sup>th</sup> Annual Installation Gala Council **authorized** an expenditure of \$2,050 for a table of ten for the Miami-Dade County League of Cities 57<sup>th</sup> annual installation gala scheduled for Saturday, February 19, 2011, including \$750 for a ½ page color ad.  
**Motion:** Councilman Espino  
**Second:** Vice Mayor Ator  
**Vice Mayor Ator:** “aye”  
**Councilman Best:** “aye”  
**Councilman Espino:** “aye”  
**Councilman Lob:** “aye”  
**Mayor Bain:** “no”  
**Vote:** 4-1

*Mayor Bain asked for a 5-minute recess*

- 10F) Field Maintenance Schedule: Stafford Park Council **reviewed** quotes received for a perimeter fence around the athletic field and to replace and re-grade the field at Stafford Park. Council **directed** the Administration to pursue fencing the field to control activities.
- 10G) N/A Item **pulled** by the Administration.
- 10H) Interlocal Agreement for Public Schools Facility Planning – Resolution No. 2010-3501 By consensus, Council **tabled** a resolution approving and adopting Amendment No. 1 to the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County; authorizing execution of the amendment.

*Councilman Lob left at 9:26 p.m. due to illness.*

- 10I) Ordinance No. 1007-2011 On first reading, Council **approved** an ordinance amending §150-017, Recreational Vehicles, by clarifying the applicability of the ordinance to single-family residential districts of the City and providing specific prohibited uses for such vehicles.  
**Motion:** Councilman Best  
**Second:** Councilman Espino  
**Vice Mayor Ator:** “aye”  
**Councilman Best:** “aye”  
**Councilman Espino:** “aye”  
**Councilman Lob:** “absent”  
**Mayor Bain:** “aye”  
**Vote:** 4-0

*Agenda Items 10J and 10K were discussed at 8:41 p.m. after the recess.*

- 10J) Art Show: 1/23/2011 Council **authorized** funds in the amount of \$2,690 for the Miami Springs Airport Area Chamber of Commerce to hold an Art Show on Sunday, January 23, 2011, from 4-7 p.m.  
**Motion:** Councilman Espino  
**Second:** Councilman Best  
**Vote:** 5-0
- Councilman Espino requested an agenda item for next meeting to discuss the application process to receive City funding for community events.

- 10K) Charter Amendment A motion to approve the format of the petition **failed**.  
**Motion:** Councilman Best  
**Second:** Councilman Lob  
**Vice Mayor Ator:** “aye”  
**Councilman Best:** “aye”  
**Councilman Espino:** “no”  
**Councilman Lob:** “no”  
**Mayor Bain:** “no”  
**Vote:** 2-3

**11. Other Business:**

- 11A) FY09-10 4<sup>th</sup> Quarter Status Report Council **received** the unaudited Fiscal Year 2009-2010 Fourth Quarter Budget status report.

11B) Fund Balance Designations Council **received** an update to the proposed fund balance designations.

**12. Reports & Recommendations:**

**12A) City Attorney**

Happy Holidays City Attorney Seiden wished everyone a great Holiday.

**12B) City Manager**

Agenda Items City Manager Borgmann stated that many agenda items were tabled until the next Regular Meeting on January 10, 2011. He will also be adding a few items, including a park recycling program.

Mayor Bain asked the City Manager to get together with Ana Ferrer in regard to a recycling program for Downtown.

The Beacon Council City Manager Borgmann reported that he contacted The Beacon Council and they are trying to schedule a meeting with Calvin, Giordano & Associates and City Staff.

Workshop Meeting City Manager Borgmann announced that Calvin, Giordano & Associates is requesting to schedule a Workshop Meeting at 5:00 p.m. on January 24, 2011 before the Regular Council Meeting. He asked if this time would be convenient for Council.

Vice Mayor Ator explained that she could not commit to that time due her business commitment.

Mayor Bain asked to confirm the date and time of the Workshop meeting during the next Regular Meeting on January 10, 2011.

12B)	Church Events	City Manager Borgmann announced that the Poinciana United Methodist Church is holding an event December 13-18 <sup>th</sup> on Curtiss Parkway with a living Nativity. The Spanish Baptist Church congregation has also requested the use of the Circle on December 25 <sup>th</sup> for a concert from 6:30 to 8:30 p.m. and they are willing to pay for all costs, including the Police service.
	Junior Orange Bowl	City Manager Borgmann reported that the Junior Orange Bowl Parade will kick-off on Sunday, January 2, 2011, and they are reversing the route this year, ending in front of the Coral Gables City Hall.
	Santa at the Circle	City Manager Borgmann explained that Santa at the Circle went very well, although there was too much activity in a small space. Next year the event will be expanded to two nights with different activities each night.
	Holiday Party	City Manager Borgmann reminded everyone that the City employee holiday party will be held at the Community Center from 11:00 a.m. to 1:30 p.m. on Thursday, December 16 <sup>th</sup> in the Rebeca Sosa Theater. He asked Council to r.s.v.p.
	Library	City Manager Borgmann referred to the article in the River Cities Gazette about the opening of the Library this month.
	Handicap Ramps	City Manager Borgmann stated that the handicap ramps at the Circle are finished except for painting.
	Happy Holidays	City Manager Borgmann wished everyone Happy Holidays.

**12C)**

**City Council**

Movie Night

Vice Mayor Ator reported that the All Angels Movie Night is scheduled for Friday, December 17<sup>th</sup> and will feature “How to Train Your Dragon” and “A Christmas Story”.

“Adopt a Park” Program

Vice Mayor Ator would like the Recreation Commission to look into Mr. Schwinger’s recommendation for the “Adopt a Park” program to see if other cities have similar programs.

i-Calendar

Vice Mayor Ator said that the i-calendar feature on the internet is set up to save a new calendar on the calendar and the response from aHa Consulting was that there is no other way for it to work. She saw the Pinecrest website which saved an individual calendar on her calendar, which means that it can be done and she forwarded the link so that the Administration can follow-up to let her know the status.

Garbage Pick-up

Vice Mayor Ator reminded the Administration that this week has a potential for a very large garbage week with various events on the Circle. She asked to monitor the overflowing garbage cans Downtown.

Wreath Sale

Vice Mayor Ator announced that All Angels is selling beautiful live wreaths from North Carolina. She urged anyone who would like to purchase one to call the Church.

Senior Center Holiday Party

Vice Mayor Ator reminded the Mayor and Council about the Senior Center holiday party on Wednesday, December 15<sup>th</sup>.



